

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
3 ALCOHOLIC BEVERAGE CONTROL BOARD

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6 IN THE MATTER OF: :

7 Zinat, Inc.: Case # 16-251-00204

8 t/a Johnny Pistolas :

9 2333 18th Street NW :

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10 License #60401 :
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11 Retailer CR :

[illegible]

13 Assault with a Dangerous Weapon:

14 - - - - - - - - - - - - - -X

15 Thursday, October 20, 2016

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17 Whereupon, the above-referenced matter
18 came on for hearing at the Alcoholic Beverage
19 Control Board, Reeves Center, 2000 14th Street,
20 N.W., Suite 400S, Washington, D.C. 20009.

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2 BOARD MEMBERS PRESENT

3 DONOVAN ANDERSON, CHAIRMAN

4 NICK ALBERTI, BOARD MEMBER

5 JAMES SHORT, BOARD MEMBER

6 MIKE SILVERSTEIN, BOARD MEMBER

7 JAKE PERRY, BOARD MEMBER

8 MAFARA HOBSON, BOARD MEMBER

9

10 ALSO PRESENT:

11 INVESTIGATOR MARK BRASHEARS

12 JONATHAN ASKARINAM

13

1 P R O C E E D I N G S

2 FACT FINDING HEARING

3 CHAIRPERSON ANDERSON: All right, our
4 next case, the next fact finding hearing case is
5 Case #16-251-00204, Johnny Pistolas, license
6 #60401. Will the parties please approach and
7 identify themselves for the record, please?

8 MR. ASKARINAM: Hi, my name is Jonathan
9 Askarinam, treasurer of Zinat Corporation, Johnny
10 Pistolas.

11 MR. BRASHEARS: Investigator Mark Brashears,
12 ABRA.

13 CHAIRPERSON ANDERSON: All right, Mr.
14 Brashears, can you provide some background
15 regarding this -- what this hearing for us,
16 please?

17 MR. BRASHEARS: Yes sir. On the 24th of
18 July, 2016, there was an allegation of an assault
19 with a dangerous weapon -- ADW -- that occurred
20 at Johnny Pistola's and the initial information
21 that I received was that a verbal altercation had
22 occurred between several individuals out on the

1 balcony and during the altercation an unknown
2 patron assaulted another patron by striking him
3 in the -- over the head with a beer bottle. I
4 spoke with the MPD officer who responded to the
5 scene. He basically stated that he and others
6 were across the street and heard the sound of
7 glass breaking, looked up and saw basically a
8 shoving match going on, so the officer and a few
9 others responded to the establishment. They said
10 they made their way to the balcony and they found
11 the victim and several other individuals covered
12 in blood and the victim had lacerations on the
13 side of his face.

14 When I spoke with the officer about it he
15 said the establishment did have security and he
16 made contact with them. He also stated that the
17 security staff was helpful and that they cleared
18 the area maintaining the crime scene. The
19 officer did state to me that he felt the victim,
20 or he believed him to be overly intoxicated due
21 to his slurred speech. I spoke with the
22 establishment and found out that the head count

1 that evening was approximately 170 patrons, the
2 capacity is 198 and that they were basically
3 utilizing a one for one entry due to the number
4 of people. I asked about video cameras. I was
5 told that due to some type of power issue the
6 cameras were not operational nor was the
7 recording equipment that night.

8 When I spoke with the ownership, I was told
9 that the establishment had an internal security
10 plan, not one on file with ABRA and a settlement
11 agreement and that they had followed both. When
12 I asked about witnesses, it seemed that no one
13 from the establishment actually saw the incident
14 occur, but when they acknowledged it was
15 happening security personnel responded and
16 rendered first aid to the victim.

17 When I spoke with the head of security he
18 said that security personnel receive customer
19 service training, ID card training, and incident
20 procedure training. He said that they basically
21 employed seven security personnel depending on
22 the event and he stated that on the night of the

1 incident there were six security personnel
2 working and they were one at the door and the
3 others dispersed throughout the facility.

4 When I spoke to one of the witnesses, he
5 stated that the balcony was full of people and
6 that they began to push and shove each other, and
7 he said it was crowded to the point that he
8 couldn't see what happened, so my take-away from
9 that, you know when the witness says the balcony
10 was so full that he couldn't see what was
11 happening, when I went and actually looked at the
12 balcony it's approximately 20 feet long by 5 feet
13 wide.

14 A few other take-aways that I noted while
15 there, the personnel that I spoke with, no one
16 actually saw it happen and no one really knew all
17 the details. The details had to come from the
18 victim and the -- or, the witnesses and the
19 police. And, of course, the other thing -- the
20 establishment did not know that the incident
21 occurred. Police actually saw it from across the
22 street and came and notified the establishment,

1 and, of course, as a restaurant they're not
2 required to have a security plan, but it seemed
3 like the security people -- they mentioned an
4 internal plan but no one really seemed to know
5 where they were supposed to be or do other than
6 the door security person. And then one of the
7 things that I spoke to them about was having an
8 incident log because, again, we came up, no one
9 knew what was going on. So that's the extent of
10 it, sir.

11 CHAIRPERSON ANDERSON: Any questions from
12 board members? Mr. Short?

13 MR. SHORT: Good afternoon again, Mr.
14 Brashears.

15 MR. BRASHEARS: Good afternoon, sir.

16 MR. SHORT: Okay, you mentioned they had six
17 security?

18 MR. BRASHEARS: Yes, sir.

19 MR. SHORT: How many floors is this place,
20 this club?

21 MR. BRASHEARS: It's a first floor and a
22 second floor.

1 MR. SHORT: So, and they said there was no
2 security present on the second floor where the
3 fight happened?

4 MR. BRASHEARS: No, sir. As a matter of fact
5 let me -- the head of security, okay, the night
6 of the incident there were six security personnel
7 working. Security personnel were assigned at the
8 front door, inside the main entrance, at the
9 second floor exit, and roaming throughout the
10 establishment. But, from my understanding there
11 was no one immediately near the bar or the --
12 there are two bars upstairs. There's one right
13 near the balcony. To my understanding, there was
14 no security near that bar or the balcony.

15 MR. SHORT: Also, in your reading you said
16 that it was so crowded on the top floor that you
17 couldn't see through the crowd? Is that what
18 you're saying?

19 MR. BRASHEARS: No, sir. One of the
20 witnesses was standing very near to the victim
21 and he stated due to the crowded nature on the
22 balcony they don't know who did it, and the

1 balcony, as I said, is only about 20 feet wide
2 and about five feet -- or, 20 feet across, five
3 feet deep.

4 MR. SHORT: How many people are permitted to
5 be on that?

6 MR. BRASHEARS: Well, that's something that I
7 could not find on the C of O. It's a balcony.
8 The establishment was within the allotted
9 occupancy, but I didn't find any documents in
10 ABRA records or in the establishment that
11 basically stated how many people could be on the
12 balcony.

13 MR. SHORT: So, they were not over capacity?

14 MR. BRASHEARS: No, sir. Well, not -- based
15 on what I was being told the head count was that
16 night, no sir.

17 MR. SHORT: They don't have a required
18 security plan. Do they have a security plan at
19 all?

20 MR. BRASHEARS: I was told that they have an
21 internal security plan that talks about various
22 things but nothing on file or required to be on

1 file with ABRA.

2 MR. SHORT: That's all I have Mr. Chair,
3 thank you.

4 CHAIRPERSON ANDERSON: Sir, what's your name
5 again, please?

6 MR. ASKARINAM: Jonathan Askarinam.

7 CHAIRPERSON ANDERSON: Mr. Askarinam.

8 MR. ASKARINAM: How are you, today?

9 CHAIRPERSON ANDERSON: I am well. Can you --
10 from your perspective -- can you tell us what
11 occurred and how is it that you plan to prevent
12 these occurrences?

13 MR. ASKARINAM: So, at Johnny Pistola's we've
14 been in business -- I believe you know Johnny
15 Pistola's from before. Johnny Pistola's used to
16 be Carriage House. Before Carriage House it used
17 to be Tom Tom. Johnny Pistola's has been open
18 for the past two years. This is our first
19 incident that involved an altercation like this.
20 For us, we've taken the steps necessary for this
21 not to happen again. We've limited the amount of
22 people on the balcony to 15. We've taken the

1 steps to prevent anybody from -- we have a
2 security guard right at the balcony entrance
3 looking upon it, making sure that nothing will
4 happen like this again. He's guiding, he's
5 following. Before we had a security plan -- we
6 had an internal security plan with our security
7 guards. We've gone over it again with them.
8 We've reviewed the necessary steps to make sure
9 that this will never happen again. We've
10 approached them, we've coached them one on one,
11 we've guided them, we've talked to them.

12 This incident right here, this gentleman
13 unfortunately -- this is not the type of crowd
14 that we have. This gentleman does not fit our
15 guideline, he does not fit our class of people,
16 he doesn't fit our education level, he doesn't
17 fit any of our -- any of the necessary guides --
18 any of the necessary principles that we require
19 at Johnny Pistola's.

20 The crowd that we have now is very classy,
21 very educated, very mature, and for us we are a
22 restaurant and bar. You know, we're not a club,

1 we don't focus on that. For us, we have people
2 who come there, we like them to come hang out,
3 make friends, enjoy each other. This incident
4 right here, it was an incident that we're
5 embarrassed about, we're ashamed about. We, as a
6 family, we get hurt by this. We're a family
7 owned restaurant and bar. When something happens
8 to our patrons we get hurt by it. We actually
9 called the mother of the person who was injured
10 the next day and talked to them to make sure that
11 they were okay.

12 But for us, our customers and our clientele
13 are -- they are our lifeline, the most important
14 people at our place. We don't want them to be
15 injured, we don't want any of this to happen, so
16 we've taken the necessary steps to ensure this
17 will never happen again.

18 CHAIRPERSON ANDERSON: So, what was, if you
19 recall -- what was so special about this night?
20 Why was it that more than 15 people were on the
21 balcony?

22 MR. ASKARINAM: So, since July -- this is

1 July 24th. In July, you have a different -- in
2 July people come down to Adams Morgan. A lot of
3 them are tourists. And for us, you know, for us,
4 there shouldn't have been this many people on the
5 balcony in the first place. I think for us, you
6 know, we've never had this kind of incident
7 before where someone, you know, pushing and
8 shoving. And for us, we've made sure that the
9 balcony stays to a certain level.

10 I think that this night it got over-
11 capacitated, I think that the security guard who
12 should have been following the plan was not in
13 the right position, but for us, you know, we've
14 done the necessary -- we've ensured the necessary
15 steps, taken the proactive steps to make sure
16 that this won't happen.

17 CHAIRPERSON ANDERSON: Questions by any other
18 board members?

19 MR. SHORT: Just one.

20 CHAIRPERSON ANDERSON: Yes, Mr. Short?

21 MR. SHORT: Good afternoon, sir, again.

22 MR. ASKARINAM: Good afternoon to you, sir.

1 MR. SHORT: You mentioned your, the security
2 staff. How many do you have, security staff?

3 MR. ASKARINAM: Seven.

4 MR. SHORT: Seven. Who trains them? How are
5 they trained? What is their level of expertise
6 with their security?

7 MR. ASKARINAM: So we have a security
8 personnel who comes in and he trains them.

9 MR. SHORT: One?

10 MR. ASKARINAM: Yeah, an expert with security
11 and he trains them one on one, coaching them.

12 MR. SHORT: Do you want to put his name on
13 the record?

14 MR. ASKARINAM: I do not personally know his
15 name, but I can get that for you.

16 MR. SHORT: Do you know his background to be
17 a trainer in security? Is he licensed by the
18 city?

19 MR. ASKARINAM: I myself do not know that
20 information but I can get that for you.

21 MR. SHORT: I might want to just give you a
22 tip. You can call MPD and they can get you

1 connected with licensed trainers of security and
2 I would think -- I've heard your place is a very
3 nice place.

4 MR. ASKARINAM: Thank you. I hope you come
5 and visit us.

6 MR. SHORT: I just might one day after you
7 get your security straightened out. I -- strike
8 that. But at any rate, what I'd like for you to
9 do is think about calling MPD or someone
10 licensed. That takes some of the liability of
11 somebody suing. You don't have -- do you keep a
12 log book of security incidents at your location?
13 Do you document any time you have problems like
14 this?

15 MR. ASKARINAM: Depending on the incident.
16 If the incident involves MPD, if it involves
17 something like this the managers are supposed to
18 log it. We are supposed to have a log.

19 MR. SHORT: Is that in writing someplace? Is
20 that in writing someplace?

21 MR. ASKARINAM: It should be.

22 MR. SHORT: Will you provide us a copy of it?

1 MR. ASKARINAM: Yes.

2 MR. SHORT: A copy of your security and
3 training manual? What do you do when somebody
4 gets sick? What are your procedures should
5 someone fall out or someone have a seizure or
6 someone slips on the steps or somebody -

7 MR. ASKARINAM: The first thing is to
8 establish is -- the first thing we go straight to
9 that guy, we call 911, we make sure he's in
10 place, we surround, we direct the scene, we make
11 sure no one goes around him, make sure he's taken
12 care of, wait for 911 to come in and we take care
13 of it and they take it from there, but we make
14 sure that the place is -- the person who is there
15 is separated from everyone else, he has air to
16 breathe, no one is around him, he's taken care
17 of, we're talking to him, we're making sure that
18 he's --

19 MR. SHORT: Keep him alert?

20 MR. ASKARINAM: Yes.

21 MR. SHORT: And conscious until they get
22 there.

1 MR. ASKARINAM: There's a gentleman who --
2 there's a gentleman --

3 MR. SHORT: Let me give you some kudos.
4 You're the very first business owner that's come
5 before -- that has not been a board member --
6 that have an idea or clue of what to do when
7 somebody gets sick. And if all your people are
8 trained in that then you're a step ahead of other
9 places.

10 MR. ASKARINAM: For us -- like we -- like the
11 thing is a lot of people, right, will go and you
12 know if somebody is intoxicated, they'll just
13 kick them out. And for us, we don't believe in
14 that at all. You know, even if the guy is -- the
15 guy could be outside, could be walking around and
16 things like that -- you know, we go and grab 'em
17 and put 'em on the seat and we'll give them
18 water, because the thing is, it's a person, a
19 human being, you have a heart. You take care of
20 people. That's what, you know, in our culture.

21 MR. SHORT: And you can be sued if someone
22 leaves your premises that's been over-serviced.

1 They can get in a car and kill somebody and if
2 they can prove they left Johnny Pistola's, then
3 Johnny Pistola's can be sued and their liquor
4 license can be taken away.

5 MR. ASKARINAM: Yeah, I agree with that, too.
6 That's the most important thing but you can also
7 walk down the steps and, you know, you can walk
8 down the steps and he could be gone.

9 MR. SHORT: Well, you and I see things eye to
10 eye and I thank you for enlightening us. So,
11 you're going to provide this board -- how soon
12 can you provide that information to our attorney?

13 MR. ASKARINAM: Within the next couple of
14 days or so. I will be out -- I myself will be
15 out of town, I'm going out of town tomorrow, but
16 I can provide -- I can make sure --

17 MR. SHORT: Okay, well give it to Mr.
18 Brashears, he can get you contact information so
19 if you can do that within the time constraints
20 that you've placed on yourself, I would certainly
21 appreciate it as a board member. Thank you Mr.
22 Chair. That's all I have.

1 CHAIRPERSON ANDERSON: Are there any other
2 questions by any other board members? Any -- Mr.
3 Brashears any final comments?

4 MR. BRASHEARS: No, sir.

5 CHAIRPERSON ANDERSON: And I'm sorry, Mr. --

6 MR. ASKARINAM: Askarinam. My uncle comes
7 here a lot, I hear. Uncle _____. Yeah, my dad
8 doesn't come as much because he's not allowed to
9 but, yeah, my uncle comes here and he's a good
10 guy, but --

11 CHAIRPERSON ANDERSON: I'm not --

12 MR. ASKARINAM: You probably know him, you've
13 seen his face.

14 CHAIRPERSON ANDERSON: Okay, Mr. Askarinam.

15 MR. ALBERTI: I think he was here the other
16 day.

17 MR. ASKARINAM: Yeah, I was here yesterday
18 myself as well, but that was for -- that wasn't
19 for any incidents, that was just for food and
20 beverage and those records.

21 CHAIRPERSON ANDERSON: All right. Any final
22 thoughts? Comments? Nothing? All right. I'll

1 then make a motion that we take no further action
2 on this matter.

3 MR. SHORT: Seconded.

4 CHAIRPERSON ANDERSON: All in favor say aye.
5 (Chorus of ayes.) Thank you very much, sir.

6 MR. ASKARINAM: Thank you so much, I really
7 appreciate it. Thank you.

8 CHAIRPERSON ANDERSON: All right, have a
9 great day.

10
11 (Whereupon, the above-entitled matter was
12 concluded.)

13